

December 15, 2014

MEMORANDUM TO: Benjamin G. Beasley, Chief
Plant Licensing Branch I-1 (LPL1-1)
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Doug Huyck, Chief **/RA/**
Reactor Security Licensing Branch
Division of Security Policy
Office of Nuclear Security and Incident Response

SUBJECT: REQUEST FOR LICENSE AMENDMENT FOR SECTION 161A
PREEMPTION AUTHORITY - DRAFT SAFETY EVALUATIONS FOR
DIABLO CANYON POWER PLANT AND SAN ONOFRE NUCLEAR
GENERATING STATION

By application dated September 24, 2013, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13268A425) as supplemented by letters dated December 18, 2013, (ADAMS Accession No. ML13353A568) and May 15, 2014, (ADAMS Accession No. ML14135A379), Pacific Gas and Electric Company submitted a request for amendment to the Diablo Canyon Power Plant, Unit 1, Unit 2 (DCPP), and the Diablo Canyon Power Plant specific-license Independent Spent Fuel Storage Installation (DCPP-ISFSI) operating license.

By application dated August 28, 2013, [ADAMS Accession No. ML13242A277] as supplemented by letters dated December 31, 2013, (ADAMS Accession No. ML14007A496) and May 15, 2014, (ADAMS Accession No. ML14139A424) Southern California Edison submitted a request for amendment to the San Onofre Nuclear Generating Station (SONGS) operating license.

Specifically, Pacific Gas and Electric Company and Southern California Edison, have applied, on behalf of DCP, DCP-ISFSI, and SONGS, for Commission authorization to use the provisions of Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201a), at the DCP, DCP-ISFSI, and SONGS facilities as specified in Commission Order EA-13-092, dated June 5, 2013, (ADAMS Accession No. ML13121A459).

The Office of Nuclear Security and Incident Response, Division of Security Policy, Reactor Security and Licensing Branch (RSLB), conducted a comprehensive technical review of the DCP, DCP-ISFSI, and SONGS applications in accordance with the Six-Step process approved by the Commission in SRM-SECY-12-0125, dated November 21, 2012 (ADAMS Accession No. ML12164A839). Specifically, this action satisfies Step #4 of the Commission approved Six-Step process.

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In performing and documenting the required technical reviews, the RSLB technical reviewer followed the guidance provided in the Office of Nuclear Reactor Regulation (NRR) Office Procedure LIC-101 to inform the format and content of the enclosed Draft Safety Evaluations for each of the affected applications. The RSLB technical review staff followed the review criteria specified in Step #4 of the Commission approved process and documented the results of each review, as appropriate for each facility, in the enclosed Draft Safety Evaluations.

Based on the findings and conclusions described in the enclosed NSIR input to the required Safety Evaluations for DCP, DCP-ISFSI, and SONGS, the RSLB technical staff recommends that the Commission grant Section 161A preemption authorization to these three (3) Commission-designated facilities through the issuance of a Confirmatory Order as outlined in Step #5 of the Commission approved Six-Step process, as specified in SRM-SECY-12-0125.

Consequently, the RSLB staff requests that NRR staff take the actions required to finalize the enclosed Safety Evaluations; issue a Draft Confirmatory Order to the DCP, DCP-ISFSI, and SONGS facilities; gain the licensee Waiver of Hearing Rights; and provide all final licensing documentation needed to support the successful completion of W201200098, SRM-SECY-12-0027 Tasking No. 2, by the assigned due date of March 31, 2015. To meet the March 31, 2015 due date, it is recommended that NRR complete the actions required to obtain each licensee's waiver of hearing rights no later than the week of January 19, 2015, to ensure adequate time for completion of the SECY-Paper concurrence process prior to the March 31, 2015, due date.

Enclosures:

1. Safety Evaluation – Diablo Canyon
Power Plant and Diablo Canyon Power
Plant specific-license Independent Spent
Fuel Storage Installation
2. Safety Evaluation – San Onofre Nuclear
Generating Station

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DISTRIBUTION:

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